
ENGROSSED SUBSTITUTE SENATE BILL 6646

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Doumit, Parlette, Sheldon, Swecker and Rasmussen)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to outdoor burning in areas of small towns and
2 cities; and amending RCW 70.94.743.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.94.743 and 2004 c 213 s 1 are each amended to read
5 as follows:

6 (1) Consistent with the policy of the state to reduce outdoor
7 burning to the greatest extent practical:

8 (a) Outdoor burning shall not be allowed in any area of the state
9 where federal or state ambient air quality standards are exceeded for
10 pollutants emitted by outdoor burning.

11 (b) Outdoor burning shall not be allowed in any (~~urban growth area~~
12 ~~as defined by RCW 36.70A.030, or any~~) city of the state having a
13 population greater than ten thousand people if such cities are
14 threatened to exceed state or federal air quality standards, and
15 alternative disposal practices consistent with good solid waste
16 management are reasonably available or practices eliminating production
17 of organic refuse are reasonably available. In no event shall such
18 burning be allowed (~~after December 31, 2000, except that~~) within
19 (~~the~~) urban growth areas as defined by RCW 36.70A.030, except that

1 within urban growth areas for cities having a population of less than
2 five thousand people, that are neither within nor contiguous with any
3 nonattainment or maintenance area designated under the federal clean
4 air act, (~~in~~) no (~~event shall~~) such burning shall be allowed after
5 December 31, (~~2006~~) 2008.

6 (c) Notwithstanding any other provision of this section, outdoor
7 burning may be allowed for the exclusive purpose of managing storm or
8 flood-related debris. The decision to allow burning shall be made by
9 the entity with permitting jurisdiction as determined under RCW
10 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject
11 to (a) or (b) of this subsection, a permit shall be required, and a fee
12 may be collected to cover the expenses of administering and enforcing
13 the permit. All conditions and restrictions pursuant to RCW
14 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this
15 section.

16 (d)(i) Outdoor burning that is normal, necessary, and customary to
17 ongoing agricultural activities, that is consistent with agricultural
18 burning authorized under RCW 70.94.650 and 70.94.656, is allowed within
19 the urban growth area as defined in (b) of this subsection if the
20 burning is not conducted during air quality episodes, or where a
21 determination of impaired air quality has been made as provided in RCW
22 70.94.473, and the agricultural activities preceded the designation as
23 an urban growth area.

24 (ii) Outdoor burning of cultivated orchard trees, whether or not
25 agricultural crops will be replanted on the land, shall be allowed as
26 an ongoing agricultural activity under this section if a local
27 horticultural pest and disease board formed under chapter 15.09 RCW, an
28 extension office agent with Washington State University that has
29 horticultural experience, or an entomologist employed by the department
30 of agriculture, has determined in writing that burning is an
31 appropriate method to prevent or control the spread of horticultural
32 pests or diseases.

33 (2) "Outdoor burning" means the combustion of material of any type
34 in an open fire or in an outdoor container without providing for the
35 control of combustion or the control of emissions from the combustion.

36 (3) This section shall not apply to silvicultural burning used to
37 improve or maintain fire dependent ecosystems for rare plants or

1 animals within state, federal, and private natural area preserves,
2 natural resource conservation areas, parks, and other wildlife areas.

--- END ---